

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Christina A. Avery,

Debtor.

BKY 10-31356

ADV _____

Chase Bank USA, N.A.,

Plaintiff,

vs.

Christina A. Avery,

Defendant.

**COMPLAINT TO DETERMINE DISCHARGEABILITY OF A DEBT
AND FOR JUDGMENT**

Plaintiff, for its cause of action against Defendant, alleges:

I.

Defendant, Christina A. Avery, filed a petition for relief under Chapter 7 of the Title 11, United States Code, on February 28, 2010.

II.

Plaintiff, Chase Bank USA, N.A., is a creditor of Defendant.

III.

This is a core proceeding over which the court has jurisdiction under Title 28, United States Code, Sections 157 and 1334 and Rule 7001 of the Federal Rules of Bankruptcy Procedure. Venue is proper in this judicial district pursuant to Title 28, United States Code, Sections 1408 and 1409.

IV.

This is an adversary proceeding to determine the dischargeability of a debt under Title 11, United States Code, Section 523(a)(2)(A) and Section 523(a)(2)(C).

V.

Defendant's bankruptcy schedules reflect that Defendant's total monthly income is \$6,746.70 and total monthly expenses are \$9,823.33; therefore, Defendant has a net monthly loss of \$3,076.63 per month.

VI.

Defendant's bankruptcy schedules reflect unsecured creditors holding claims totaling \$64,333.59. Therefore, based on minimum monthly payments of 2% of the total account balances each month, the total minimum payments Defendant would have been required to pay on her accounts was over \$1,286.67 each month, resulting in a total deficit of over \$4,363.30 per month.

COUNT ONE

For Count One of the Complaint, Plaintiff states and alleges the following:

VII.

Plaintiff hereby incorporates each and every allegation contained in Paragraphs 1 through VI as though fully set forth.

VIII.

Plaintiff issued Defendant a VISA credit card on or about December 12, 2008.

IX.

Plaintiff is the holder of an unsecured claim against Defendant arising out of charges made by her on her VISA account with Plaintiff, with account number ending 1834.

X.

Defendant made numerous charges totaling \$3,628.52 on her VISA account with Plaintiff. A copy of the statement for the charges is attached as Exhibit "A" and is incorporated herein by reference.

XI.

Defendant made multiple charges for luxury goods or services against her VISA account with Plaintiff between November 2009 and February 2009, in the sum of \$3,628.52, and within ninety (90) days before the order for relief in Defendant's bankruptcy case.

XII.

The indebtedness for the charges made within ninety (90) days before the order for relief in Defendant's bankruptcy case is presumed to be nondischargeable pursuant to Title 11, United States Code, Section 523(a)(2)(C).

XIII.

Defendant made the aforementioned charges against her VISA account with Plaintiff at a time when Defendant was unable to meet her existing financial obligations as they became due.

XIV.

At the time Defendant made the above-referenced charges with Plaintiff, Defendant represented that she had the ability to repay the debt to Plaintiff, when in fact, Defendant did not have the ability to repay the debt to Plaintiff.

XV.

At the time Defendant made the above-referenced charges, Defendant represented she had the intent to repay the debt, when in fact, Defendant did not intend to repay the debt to Plaintiff.

XVI.

Defendant made the representations to Plaintiff with the intention and purpose of deceiving Plaintiff.

XVII.

Plaintiff justifiably relied on Defendant's representations and Plaintiff suffered a loss as a proximate result of the representations.

XVIII.

Defendant made the above-referenced charges under false pretenses, a false representation or actual fraud, and for that reason the indebtedness to Plaintiff is nondischargeable in bankruptcy pursuant to Title 11, United States Code, Section 523(a)(2)(A) and Section 523(a)(2)(C).

COUNT TWO

For Count Two of the Complaint, Plaintiff states and alleges the following:

XIX.

Plaintiff states and alleges the allegations contained in Paragraphs I through XVIII as though fully set forth.

XX.

Plaintiff issued Defendant a VISA account on or about December 1, 2006.

XXI.

Plaintiff is the holder of an unsecured claim against Defendant arising out of charges made by her on her VISA account with Plaintiff, with account number ending 4171.

XXII.

Defendant made numerous charges totaling \$1,114.72 on her VISA account with Plaintiff. A copy of the statement for the charges is attached as Exhibit "B" and is incorporated herein by reference.

XXIII.

Defendant made multiple charges for luxury goods or services against her VISA account with Plaintiff between November 2009 and January 2010, in the sum of \$1,114.72, and within ninety (90) days before the order for relief in Defendant's bankruptcy case.

XXIV.

The indebtedness for the charges made within ninety (90) days before the order for relief in Defendant's bankruptcy case is presumed to be nondischargeable pursuant to Title 11, United States Code, Section 523(a)(2)(C).

XXV.

Defendant made the aforementioned charges against her VISA account with Plaintiff at a time when Defendant was unable to meet her existing financial obligations as they became due.

XXVI.

At the time Defendant made the above-referenced charges with Plaintiff, Defendant represented that she had the ability to repay the debt to Plaintiff, when in fact, Defendant did not have the ability to repay the debt to Plaintiff.

XXVII.

At the time Defendant made the above-referenced charges, Defendant represented she had the intent to repay the debt, when in fact, Defendant did not intend to repay the debt to Plaintiff.

XXVIII.

Defendant made the representations to Plaintiff with the intention and purpose of deceiving Plaintiff.

XXIX.

Plaintiff justifiably relied on Defendant's representations and Plaintiff suffered a loss as a proximate result of the representations.

XXX.

Defendant made the above-referenced charges under false pretenses, a false representation or actual fraud, and for that reason the indebtedness to Plaintiff is nondischargeable in bankruptcy pursuant to Title 11, United States Code, Section 523(a)(2)(A) and Section 523(a)(2)(C).

COUNT THREE

For Count Three of the Complaint, Plaintiff states and alleges the following:

XXXI.

Plaintiff states and alleges the allegations contained in Paragraphs I through XXX as though fully set forth.

XXXII.

Plaintiff issued Defendant a MasterCard account on or about March 22, 2007.

XXXIII.

Plaintiff is the holder of an unsecured claim against Defendant arising out of charges made by her on her MasterCard account with Plaintiff, with account number ending 8599.

XXXIV.

Defendant made numerous charges and took cash advances totaling \$3,965.97 on her MasterCard account with Plaintiff. A copy of the statement for the charges is attached as Exhibit “C” and is incorporated herein by reference.

XXXV.

Defendant made multiple charges for luxury goods or services against her MasterCard account with Plaintiff between November 2009 and January 2010, in the sum of \$965.97, and within ninety (90) days before the order for relief in Defendant’s bankruptcy case.

XXXVI.

Defendant took a convenience check number 87993 made payable to herself totaling \$3,000.00. This transaction occurred within seventy (70) days before the order for relief in Defendant’s bankruptcy case.

XXXVII.

The indebtedness for the charges for luxury goods or services made within ninety (90) days and cash advance within seventy (70) days before the order for relief in Defendant’s bankruptcy case is presumed to be nondischargeable pursuant to Title 11, United States Code, Section 523(a)(2)©.

XXXVIII.

Defendant made the aforementioned charges against her MasterCard account with Plaintiff at a time when Defendant was unable to meet her existing financial obligations as they became due.

XXXIX.

At the time Defendant made the above-referenced charges and took the cash advances with Plaintiff, Defendant represented that she had the ability to repay the debt to Plaintiff, when in fact, Defendant did not have the ability to repay the debt to Plaintiff.

XL.

At the time Defendant made the above-referenced charges, Defendant represented she had the intent to repay the debt, when in fact, Defendant did not intend to repay the debt to Plaintiff.

XLI.

Defendant made the representations to Plaintiff with the intention and purpose of deceiving Plaintiff.

XLII.

Plaintiff justifiably relied on Defendant's representations and Plaintiff suffered a loss as a proximate result of the representations.

XLIII.

Defendant made the above-referenced charges and took the cash advance under false pretenses, a false representation or actual fraud, and for that reason the indebtedness to Plaintiff is nondischargeable in bankruptcy pursuant to Title 11, United States Code, Section 523(a)(2)(A) and Section 523(a)(2)(C).

WHEREFORE, Plaintiff prays for judgment as follows:

1. That this court determine the debt of Defendant, Christina A. Avery, to Plaintiff, Chase Bank USA, N.A., on Count One in the amount of \$3,628.52, plus interest at the contract rate from and after February 28, 2010, is nondischargeable in bankruptcy under Title 11, United States Code, Section 523(a)(2)(A) and Section 523(a)(2)(C).
2. That this court determine the debt of Defendant, Christina A. Avery, to Plaintiff, Chase Bank USA, N.A., on Count Two in the amount of \$1,114.72, plus interest at the contract rate from and after February 28, 2010, is nondischargeable in bankruptcy under Title 11, United States Code, Section 523(a)(2)(A) and Section 523(a)(2)(C).
3. That this court determine the debt of Defendant, Christina A. Avery, to Plaintiff, Chase Bank USA, N.A., on Count Three in the amount of \$3,965.97, plus interest at the contract rate from and after February 28, 2010, is nondischargeable in bankruptcy under Title 11, United States Code, Section 523(a)(2)(A) and Section 523(a)(2)(C).
4. That Plaintiff have judgment against Defendant for its costs, disbursements and reasonable attorney's fees herein.

5. For such other and further relief as the court may deem just and proper in the premises.

DUDLEY AND SMITH, P.A.

Dated: May 27, 2010

By /s/ Steven C. Opheim
Steven C. Opheim
Attorney for Plaintiff
2602 US Bank Center
101 East Fifth Street
Saint Paul, Minnesota 55101
Telephone No. (651) 291-1717
Attorney Registration No. 169080

3/10 FILE NOTES

	Sales Draft CULVERS OF APPLE VALLE	APPLE			
	VALLEY MN				
	1001 8931 21-JAN-10	24266960021980010084798	350.00	22-JAN-10	
	Sales Draft SMALL BUSINESS INSIGHTS L952-4				
	61-5765 MN				
	1001 7399 21-JAN-10	24632690022022401836905	330.00	24-JAN-10	
3/10/10	Contesting Detail	Avery	Christin 9	CAN	
	Sales Draft BNI (BUSINESS NETWORKING 612-6				
	649500 MN				
	1001 5310 23-JAN-10	24226380024320326098496	251.93	24-JAN-10	
	Sales Draft WAL-MART	APPLE			
	VALLEY MN				
	1001 5912 23-JAN-10	24445000024115111363736	36.67	24-JAN-10	
	Sales Draft WALGREENS #9727	APPLE			
	VALLEY MN				
	1001 5812 23-JAN-10	24445000024115111363652	44.08	24-JAN-10	
	Sales Draft FAMOUS DAVE'S #2007	APPLE			
	VALLEY MN				
	1001 5921 23-JAN-10	24717050024120243509293	36.36	25-JAN-10	
	Sales Draft APPLE VALLEY LIQUOR 2	APPLE			
	VALLEY MN				
	1001 5411 24-JAN-10	24164070025091008355930	215.32	26-JAN-10	
	Sales Draft TARGET	00023903 APPLE			
	VALLEY MN				
	1001 5912 24-JAN-10	24445000025116394278038	16.00	25-JAN-10	
	Sales Draft WALGREENS #9727	APPLE			
	VALLEY MN				
	1001 5912 25-JAN-10	24445000026117556225832	30.19	26-JAN-10	
	Sales Draft WALGREENS #9727	APPLE			
3/10/10	Contesting Detail	Avery	Christin 10	CAN	
	VALLEY MN				
	1001 742 26-JAN-10	24323000026123026010017	47.46	27-JAN-10	
	Sales Draft CLIFF LAKE VETERINARY	EAGAN			
	MN				
	1001 5995 26-JAN-10	24071050027158109459747	63.19	28-JAN-10	
	Sales Draft WILD BIRD STORE - EAGA	EAGAN			
	MN				
	1001 7399 27-JAN-10	24692160027000559419340	1152.61	27-JAN-10	
	Sales Draft DELL SALES & SERVICE	866-3			
	93-9460 TX				
	1001 5734 29-JAN-10	24692160029000844457749	171.36	29-JAN-10	
	Sales Draft INTUIT *QB FINANCE SW	888-2			
	46-8848 CA				
	0402 6010 05-FEB-10		39.00	05-FEB-10	
	Debit LATE FEE				
	0403 6010 11-FEB-10		51.86	11-FEB-10	
	Purchase Finance Charge PURCHASE *INTEREST CHARGE*				
	1001 5942 13-DEC-09	24692169347000748950282	49.99	14-DEC-09	

EXHIBIT A

FILE NOTES

Sales Draft Amazon.com

AMZN.

COM/BILLWA

1001 5942 13-DEC-09 24692169347000767652587

18.14 14-DEC-09

Sales Draft AMAZON MKTPLACE PMTS AMZN.

3/10/10 Contesting Detail

Avery

Christin 11

CAN

COM/BILLWA

1001 5942 14-DEC-09 24692169348000889988801

19.54 15-DEC-09

Sales Draft AMAZON MKTPLACE PMTS AMZN.

COM/BILLWA

1001 5942 14-DEC-09 24692169348000907568718

54.98 15-DEC-09

Sales Draft AMAZON MKTPLACE PMTS AMZN.

COM/BILLWA

1001 5942 15-DEC-09 24692169349000011795628

49.90 16-DEC-09

Sales Draft AMAZON MKTPLACE PMTS AMZN.

COM/BILLWA

EXHIBIT A

FILE DATA SUMMARY

00: Chase Bank USA, N.A.

4171

NAME: Avery Christina A.

ADDR 1: 13481 Ellsworth Ct Home Phone: 952-423-3386

ADDR 2:

CITY: Saint Paul MN 55124 X-REF#: SS#:XXXXX3960

EMPLER: / LINK#: B/DATE: 10/17/

ADDR 1:

ADDR 2: Work Phone: 651-247-2111

3/10/10	Contesting Detail	Avery	Christin 9	CAN
1001 8999 01-JAN-10	24332390003001819212944		50.00	04-JAN-10
	Sales Draft REPLY ! INC. 925-983-3486888-4			
668677 CA				
1001 4899 05-JAN-10	24692160005000408895209		484.72	06-JAN-10
	Sales Draft XM *SATELLITE RADIO 800-X			
MRADIO DC				
1001 5542 05-JAN-10	24423630006093203937489		48.68	07-JAN-10
	Sales Draft MARATHON OIL 108712 APPLE			
VALLEY MN				
1001 6513 07-JAN-10	24643730007980005957551		154.00	08-JAN-10
	Sales Draft REALTY EXECUTIVES RESULTS651-3			
65-0230 MN				
1001 5814 07-JAN-10	24164070008255204583030		5.62	10-JAN-10
	Sales Draft SUBWAY 00357962 APPLE			
VALLEY MN				
1001 4816 09-JAN-10	24692160009000001776992		34.95	10-JAN-10
	Sales Draft YAHOO *CHRISTINAVERY 800-3			
18-0870 CA				
1001 8999 11-JAN-10	24332390012001838394532		219.80	13-JAN-10
	Sales Draft REPLY ! INC. 925-983-3486888-4			
668677 CA				

3/10/10	Contesting Detail	Avery	Christin 10	CAN
0402 6010 18-JAN-10			39.00	18-JAN-10
	Debit LATE FEE			
0403 6010 28-JAN-10			364.63	28-JAN-10
	Purchase Finance Charge PURCHASE *FINANCE CHARGE*			
0402 6010 18-FEB-10			39.00	18-FEB-10
	Debit LATE FEE			
0403 6010 28-FEB-10			378.66	28-FEB-10
	Purchase Finance Charge PURCHASE INTEREST CHARGE			
1001 5541 30-JUN-09	24717059182691823617655		46.26	02-JUL-09
	Sales Draft HOLIDAY STNSTORE 0316 APPLE			
VALLEY MN				
1001 8999 01-JUL-09	24332399183001437385406		50.00	03-JUL-09
	Sales Draft REPLY ! INC. 925-983-3486888-4			
668677 CA				
1001 5199 01-JUL-09	24055239183200088400216		36.00	02-JUL-09
	Sales Draft CONTINENTAL SIGN RAMSE			
Y MN				
1001 7399 06-JUL-09	24270749188999953100213		355.25	08-JUL-09
	Sales Draft REALTY EXECUTIVE RESULTS MENDO			
TA HEIGHMN				
1001 5541 06-JUL-09	24717059189591893871771		46.61	09-JUL-09
	Sales Draft HOLIDAY STNSTORE 3831 EAGAN			

3/10/10	Contesting Detail	Avery	Christin 11	CAN
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EXHIBIT B

3/10/10 FILE NOTES

MN				
1001	5812 06-JUL-09	24323009188123198018561	38.00	07-JUL-09
	Sales Draft STEPHANO'S BURNS			
VILLE MN				
1001	5651 10-JUL-09	24445009192833035729744	10.70	12-JUL-09
	Sales Draft TJMAXX #0379 EAGAN			
MN				
1001	5542 11-JUL-09	24323019194131000636497	52.90	14-JUL-09
	Sales Draft ANDY'S MARKET APPLE			
VALLEY MN				
1001	5310 11-JUL-09	24226389192320383323764	535.63	12-JUL-09
	Sales Draft WAL-MART EAGAN			
MN				
1001	9402 14-JUL-09	24164079195418162483890	10.53	15-JUL-09
	Sales Draft USPS 26833300033400243 SAINT PAUL MN			
1001	5968 15-JUL-09	24323009197123689010431	389.00	17-JUL-09
	Sales Draft GLOBAL CONNECTIONS INC 913-451-0960 KS			
0108	6010 17-JUL-09	11981982700007476851461	500.00	17-JUL-09
	Payment Payment - Thank You			
1001	5542 18-JUL-09	24423639199842480344761	41.50	19-JUL-09
3/10/10	Contesting Detail	Avery	Christin 12	CAN
	Sales Draft MARATHON OIL 155101 XXX APPLE			
VALLEY MN				
1001	5912 21-JUL-09	24445009203846801513172	35.77	23-JUL-09
	Sales Draft CVS PHARMACY #0663 Q03 APPLE			
VALLEY MN				
1001	5651 21-JUL-09	24445009203846801513255	36.01	23-JUL-09
	Sales Draft TJMAXX #0327 BURNS			
VILLE MN				
1001	5912 21-JUL-09	24445009203846398497557	119.85	22-JUL-09
	Sales Draft WALGREENS #9727 APPLE			
VALLEY MN				
1001	5411 23-JUL-09	24164079204091009020925	16.92	24-JUL-09
	Sales Draft TARGET 00023903 APPLE			
VALLEY MN				
1006	5651 24-JUL-09	74445009206850676945719	21.40	26-JUL-09
	Credit Voucher TJMAXX #0327 BURNS			
VILLE MN				
1006	5912 24-JUL-09	74445009206850676945636	10.69	26-JUL-09
	Credit Voucher CVS PHARMACY #0663 Q03 APPLE			
VALLEY MN				
0108	6010 27-JUL-09	12082082700007598331017	2609.65	27-JUL-09
	Payment Payment - Thank You			
3/10/10	Contesting Detail	Avery	Christin 13	CAN
	0403 6010 28-JUL-09		242.81	28-JUL-09
	Purchase Finance Charge PURCHASE *FINANCE CHARGE*			

FILE NOTES

PGT 5 File # 10-51442-0

Date	Contesting Detail	Avery	Christin 14	CAN
1001 8999 01-AUG-09	24332399214001504125555	50.00	03-AUG-09	
Sales Draft REPLY I INC. 925-983-3486888-4				
668677 CA				
1001 7399 06-AUG-09	24270749219999953461949	254.00	09-AUG-09	
Sales Draft REALTY EXECUTIVE RESULTS MENDO				
TA HEIGHMAN				
1001 5542 10-AUG-09	24224439223020000184597	50.75	11-AUG-09	
Sales Draft PDQ STORES #291 APPLE				
VALLEY MN				
1001 5542 14-AUG-09	24717059228692282807650	48.37	17-AUG-09	
Sales Draft HOLIDAY STNSTORE 0127 MOOSE				
LAKE MN				
0108 6010 17-AUG-09	12292292700007598338922	500.00	17-AUG-09	
Payment Payment - Thank You				
1001 7523 19-AUG-09	24110399232556963904770	5.00	21-AUG-09	
Sales Draft BLOCK E IMPARK MINNE				
APOLIS MN				
1001 5542 19-AUG-09	24717059233692333489576	49.50	23-AUG-09	
Sales Draft HOLIDAY STNSTORE 3831 EAGAN				
MN				
3/10/10	Contesting Detail	Avery	Christin 14	CAN
1001 5960 19-AUG-09	24692169231000786547478	26.00	19-AUG-09	
Sales Draft PPL*MEMBERSHIP - R 800-6				
54-7757 OK				
1001 5542 27-AUG-09	24224439240020013738693	44.04	28-AUG-09	
Sales Draft SUPERAMERICA 04534 FARM				
NGTON MN				
0403 6010 28-AUG-09		226.58	28-AUG-09	
Purchase Finance Charge PURCHASE *FINANCE CHARGE*				
1001 5968 29-AUG-09	24692169241000284523672	15.99	30-AUG-09	
Sales Draft AM GREETINGS*ECARDS 800-7				
11-4474 OH				
1001 5542 30-AUG-09	24224439243010000273819	24.37	31-AUG-09	
Sales Draft PDQ STORES #291 APPLE				
VALLEY MN				
1001 8999 01-SEP-09	24332399245001568091530	50.00	03-SEP-09	
Sales Draft REPLY I INC. 925-983-3486888-4				
668677 CA				
1001 5111 03-SEP-09	24341299246250743010184	78.74	04-SEP-09	
Sales Draft CARTRIDGE WORLD MIN627 APPLE				
VALLEY MN				
1001 5541 04-SEP-09	24717059248692485979542	30.25	06-SEP-09	
Sales Draft HOLIDAY STNSTORE 3831 EAGAN				
3/10/10	Contesting Detail	Avery	Christin 15	CAN
MN				
1001 5912 10-SEP-09	24445009254912106504379	34.00	11-SEP-09	
Sales Draft WALGREENS #9727 APPLE				
VALLEY MN				

EXHIBIT 8

FILE NOTES				
0108	6010 17-SEP-09	12602602700007803263407	381.00	17-SEP-09
	Payment Payment - Thank You			
1001	7399 22-SEP-09	24270749266999953129118	54.00	24-SEP-09
	Sales Draft REALTY EXECUTIVE RESULTS SAIN			
	PAUL MN			
0108	6010 23-SEP-09	12662662700007917941709	400.00	23-SEP-09
	Payment Payment - Thank You			
0403	6010 28-SEP-09		228.28	28-SEP-09
	Purchase Finance Charge PURCHASE *FINANCE CHARGE*			
1001	8999 01-OCT-09	24332399275001630089812	50.00	04-OCT-09
	Sales Draft REPLY ! INC. 925-983-3486888-4			
	668677 CA			
0108	6010 03-OCT-09	12762762700007973554070	1231.68	04-OCT-09
	Payment Payment - Thank You			
1001	7399 05-OCT-09	24270749279999953414705	154.00	07-OCT-09
	Sales Draft REALTY EXECUTIVE RESULTS SAIN			
	PAUL MN			
1001	5968 11-OCT-09	24692169284000186157791	19.99	12-OCT-09
3/10/10	Contesting Detail	Avery	Christin 16	CAN
	Sales Draft AM GREETINGS*CREATPRNT 800-7			
	11-4474 OH			
0108	6010 18-OCT-09	12912912700007973562883	380.00	18-OCT-09
	Payment Payment - Thank You			
0403	6010 28-OCT-09		282.87	28-OCT-09
	Purchase Finance Charge PURCHASE *FINANCE CHARGE*			
1001	8999 01-NOV-09	24332399306001691740132	50.00	03-NOV-09
	Sales Draft REPLY ! INC. 925-983-3486888-4			
	668677 CA			
1001	8641 04-NOV-09	24493989308286001907098	415.00	05-NOV-09
	Sales Draft REALTOR ASSOCIATION/MLS 312-3			
	29-8245 IL			
1001	7399 05-NOV-09	24270749310999953405571	154.00	08-NOV-09
	Sales Draft REALTY EXECUTIVE RESULTS SAIN			
	PAUL MN			
1001	5542 14-NOV-09	24717059320693203365510	51.71	17-NOV-09
	Sales Draft HOLIDAY STNSTORE 3831 EAGAN			
	MN			
0108	6010 17-NOV-09	13213212700008169707729	500.00	17-NOV-09
	Payment Payment - Thank You			
1001	4899 18-NOV-09	24692169322000451223413	289.85	18-NOV-09
	Sales Draft CHARTER COMM 888-4			
3/10/10	Contesting Detail	Avery	Christin 17	CAN
	38-2427 MN			
1001	7399 19-NOV-09	24224439325101050044498	175.68	22-NOV-09
	Sales Draft AFFORDABLE LOCKSMI 551-9			
	98-3383 IL			
1001	5541 24-NOV-09	24717059329693293961427	62.82	27-NOV-09
	Sales Draft HOLIDAY STNSTORE 3831 EAGAN			

EXHIBIT B

FILE NOTES

1001 5965 24-NOV-09 24717059328733284869337 630.00 25-NOV-09
Sales Draft ENTERTAINMENT BOOK 888-2
317283 MI
0403 6010 27-NOV-09 303.05 27-NOV-09
Purchase Finance Charge PURCHASE *FINANCE CHARGE*
1001 5541 29-NOV-09 24717059334693343869961 66.97 01-DEC-09
Sales Draft HOLIDAY STNSTORE 0311 FORES
T LAKE MN
1001 8999 01-DEC-09 24332399336001751198456 50.00 03-DEC-09
Sales Draft REPLY ! INC. 925-983-3486888-4
668677 CA
1001 5812 03-DEC-09 24399009338975540298904 33.00 06-DEC-09
Sales Draft PERKINS 00011841 EAGAN
MN
1001 5111 03-DEC-09 24341299337250819010175 51.42 04-DEC-09
3/10/10 Contesting Detail Avery Christin 18 CAN
Sales Draft CARTRIDGE WORLD MIN627 APPLE
VALLEY MN
1001 5542 07-DEC-09 24323019343131000548940 47.62 10-DEC-09
Sales Draft ANDY'S MARKET APPLE
VALLEY MN
1001 6513 09-DEC-09 24643739343980005957506 154.00 10-DEC-09
Sales Draft REALTY EXECUTIVES RESULTS651-3
65-0230 MN
1001 5499 11-DEC-09 24055239346200949900390 27.24 13-DEC-09
Sales Draft APPLE VALLEY MARATHON APPLE
VALLEY MN
1001 5814 16-DEC-09 24224439351103029923106 74.08 17-DEC-09
Sales Draft MOLLY COOLS OF LAK LAKEV
ILLE MN
1001 5912 17-DEC-09 24445009352065417657872 43.29 18-DEC-09
Sales Draft WALGREENS #9727 APPLE
VALLEY MN
0402 6010 18-DEC-09 39.00 18-DEC-09
Debit LATE FEE
1001 4899 19-DEC-09 24692169353000801993758 153.26 20-DEC-09
Sales Draft CHARTER COMM 888-4
38-2427 MN
3/10/10 Contesting Detail Avery Christin 19 CAN
1001 5542 20-DEC-09 24717059355693553703623 46.95 22-DEC-09
Sales Draft HOLIDAY STNSTORE 3870 COTTA
GE GROVEMN
1001 9402 22-DEC-09 24164079356418192467926 13.32 23-DEC-09
Sales Draft USPS 26833300033400243 SAINT
PAUL MN
1001 5542 23-DEC-09 24717059388253580071556 48.29 27-DEC-09
Sales Draft FAST BREAK CORNER MARKET LINO

VBI E

FILE NOTES

LAKEES MN

0403 6010 28-DEC-09		323.30	28-DEC-09
Purchase Finance Charge PURCHASE *FINANCE CHARGE*			
1001 5541 29-DEC-09	24323019364574363010046	9.00	31-DEC-09
Sales Draft ANDY'S MARKET		APPLE	
VALLEY MN			
1001 5542 29-DEC-09	24323019365131000630733	46.10	01-JAN-10
Sales Draft ANDY'S MARKET		APPLE	
VALLEY MN			

EXHIBIT B

FILE DATA SUMMARY

ACTIVE

NAME: Avery Christina A.
ADDR 1: 13481 Ellsworth Ct Home Phone: 651-247-2111
ADDR 2:
CITY: Saint Paul MN 55124 X-REF#: SS#:XXXXX3960
EMPLER: / LINK#: B/DATE: 10/17/95

3/10/10	Contesting Detail	Avery	Christin 9	CAN
3001	5912 06-JAN-10	05436840007094152504492	15.58	08-JAN-10
	Sales Draft WALGREENS #9727	Q03 APPLE		
	VALLEY MN			
3001	5310 07-JAN-10	55483820007310959567956	415.24	08-JAN-10
	Sales Draft WAL-MART	APPLE		
	VALLEY MN			
7233	4 07-JAN-10	34266880115008070852837	3000.00	11-JAN-10
	87993 CHECK TO CHRISTINA AVERY			
3001	5300 09-JAN-10	05416010009141016846890	30.35	11-JAN-10
	Sales Draft SAMSClub #4736	APPLE		
	VALLEY MN			
3001	5921 09-JAN-10	55417340010120105233584	23.66	11-JAN-10
	Sales Draft APPLE VALLEY LIQUOR 2	APPLE		
	VALLEY MN			
3001	5719 09-JAN-10	55434250010274000201202	19.98	11-JAN-10
	Sales Draft BED BATH & BEYOND #651	08004		
	623966 NJ			
3006	5310 09-JAN-10	55483820009310004627357	48.94	11-JAN-10
	Credit Voucher WAL-MART	APPLE		
	VALLEY MN			
3001	5310 09-JAN-10	55483820009310004627365	23.79	11-JAN-10
3/10/10	Contesting Detail	Avery	Christin 10	CAN
	Sales Draft WAL-MART	APPLE		
	VALLEY MN			
0401	6010 11-JAN-10	34266880115008070852837	90.00	11-JAN-10
	Debit TRANSACTION FEE			
3001	5814 11-JAN-10	05140480011720031580503	13.00	12-JAN-10
	Sales Draft MCDONALD'S F5769	Q17 ROSEM		
	COUNT MN			
3001	5651 12-JAN-10	05436840013101523081845	71.45	14-JAN-10
	Sales Draft TJMAXX #0379	EAGAN		
	MN			
3001	5542 12-JAN-10	25536060013102000157472	49.72	13-JAN-10
	Sales Draft PDQ STORES #291	APPLE		
	VALLEY MN			
3001	5912 12-JAN-10	05436840013101090231344	11.76	13-JAN-10
	Sales Draft WALGREENS #9727	Q03 APPLE		
	VALLEY MN			
3001	5310 12-JAN-10	05416010012141009075395	120.85	13-JAN-10
	Sales Draft WAL-MART #1785	EAGAN		
	MN			
3001	5942 14-JAN-10	05436840015103997440190	73.87	17-JAN-10
	Sales Draft BARNES & NOBLE #211Q90	APPLE		
	VALLEY MN			
3/10/10	Contesting Detail	Avery	Christin 11	CAN
3001	5812 14-JAN-10	55421350015987117292412	34.71	17-JAN-10
	Sales Draft SONG LONG VIETNAMESE &	APPLE		
	VALLEY MN			
0108	6010 15-JAN-10	10150152700008487062319	21.00	15-JAN-10
	Payment Payment - Thank You			

EXHIBIT C

FILE NOTES

3001	5912	15-JAN-10	05436840016104845483746	54.64	17-JAN-10
	Sales Draft WALGREENS #9727		Q03 APPLE		
	VALLEY MN				
3001	5651	17-JAN-10	05436840018107868303715	37.66	19-JAN-10
	Sales Draft TJMAXX #0327		BURNS		
	VILLE MN				
3006	5411	17-JAN-10	05410190017091012687663	16.06	18-JAN-10
	Credit Voucher TARGET		00023903 APPLE		
	VALLEY MN				
3001	5411	17-JAN-10	05410190017091009290810	230.47	18-JAN-10
	Sales Draft TARGET		00023903 APPLE		
	VALLEY MN				
3006	5310	17-JAN-10	55483820017310187254409	6.43	18-JAN-10
	Credit Voucher WAL-MART		APPLE		
	VALLEY MN				
3001	5310	17-JAN-10	55483820017310187254417	150.27	18-JAN-10
	Sales Draft WAL-MART		APPLE		
3/10/10	Contesting Detail		Avery	Christin 12	CAN
	VALLEY MN				
3001	5732	17-JAN-10	05410190017295080000994	353.50	18-JAN-10
	Sales Draft BEST BUY		00000083 BURNS		
	VILLE MN				
3001	5946	19-JAN-10	55432860019000491897979	6.08	20-JAN-10
	Sales Draft SFI*PHOTOSBYSHUTTERFLY		800-9		
	86-1065 CA				
3001	7399	20-JAN-10	55429500021849505233677	37.50	22-JAN-10
	Sales Draft ST WEARABLES		76338		
	39376 MN				
0803	6010	21-JAN-10		39.00	21-JAN-10
	Debit DECLINED CHECK FEE				
0403	6010	21-JAN-10		17.01	21-JAN-10
	Purchase Finance Charge PURCHASE *FINANCE CHARGE*				
3001	5977	24-JAN-10	55432860024000114183537	71.51	25-JAN-10
	Sales Draft ARBONNE INTERNATIONAL		800-2		
	72-6663 CA				
3006	5411	24-JAN-10	05410190024091012698489	18.20	25-JAN-10
	Credit Voucher TARGET		00023903 APPLE		
	VALLEY MN				
0440	6010	15-FEB-10		122.00	15-FEB-10
	Auto-Payment AUTOMATIC PAYMENT - THANK YOU				
3/10/10	Contesting Detail		Avery	Christin 13	CAN
	0403 6010 21-FEB-10				
	Purchase Finance Charge PURCHASE INTEREST CHARGE				
3001	5812	08-JUL-09	55548969190119993010070	36.00	10-JUL-09
	Sales Draft PAPA JOHNS #1274.COM		APPLE		
	VALLEY MN				
0108	6010	16-JUL-09	11971972700007476859772	50.00	16-JUL-09
	Payment Payment - Thank You				

EXHIBIT Q

FILE NOTES

0440 6010 16-JUL-09		2490.65	16-JUL-09
Auto-Payment AUTOMATIC PAYMENT - THANK YOU			
3001 7298 17-JUL-09 55499679198286354106890		20.15	19-JUL-09
Sales Draft DARQUE TAN CORP OFFICE 08889			
582663 TX			
0374 6010 21-JUL-09 74266852023624000001121		2490.65	21-JUL-09
Backdated Payment Reversal - not du ACH REFUND			
0108 6010 27-JUL-09 12082082700007598357145		1345.29	27-JUL-09
Payment Payment - Thank You			
3001 8299 05-AUG-09 85418369217118000100201		17.50	06-AUG-09
Sales Draft A247CLASS.COM 305-2			
671041 FL			
3001 5968 13-AUG-09 55432869225000027222479		20.00	14-AUG-09
Sales Draft WPI*PARENTING MAG 800-2			
34-0847 FL			
3/10/10	Contesting Detail	Avery	Christin 14 CAN
0108 6010 14-AUG-09 12262262700007598370767		700.00	14-AUG-09
Payment Payment - Thank You			
3001 5999 16-AUG-09 55453269229187000444312		20.15	18-AUG-09
Sales Draft DARQUE TAN 02814			
938094 TX			
0403 6010 21-AUG-09		13.44	21-AUG-09
Purchase Finance Charge PURCHASE *FINANCE CHARGE*			
0108 6010 15-SEP-09 12582582700007803271507		20.00	15-SEP-09
Payment Payment - Thank You			
3001 5999 16-SEP-09 55453269259187000434480		20.23	17-SEP-09
Sales Draft DARQUE TAN 08889			
582663 TX			
0403 6010 21-SEP-09		6.86	21-SEP-09
Purchase Finance Charge PURCHASE *FINANCE CHARGE*			
0108 6010 25-SEP-09 12682682700007917934864		400.00	25-SEP-09
Payment Payment - Thank You			
3001 5992 02-OCT-09 55432869275000833792706		59.94	02-OCT-09
Sales Draft Red*Envelope com 877-7			
33-3683 CA			
0108 6010 03-OCT-09 12762762700007973526698		383.12	04-OCT-09
Payment Payment - Thank You			
3001 5964 13-OCT-09 55432869286000476341586		117.24	14-OCT-09
3/10/10	Contesting Detail	Avery	Christin 15 CAN
Sales Draft GRWNG FMLY FIRST FOTO 800-7			
07-1077 MO			
3001 5999 16-OCT-09 55453269289187000495378		20.23	18-OCT-09
Sales Draft DARQUE TAN 08889			
582663 TX			
0403 6010 21-OCT-09		1.50	21-OCT-09
Purchase Finance Charge PURCHASE *FINANCE CHARGE*			
3001 8042 03-NOV-09 55547509308123307010143		325.38	05-NOV-09
Sales Draft YANKEE EYE CLINIC EAGAN			

EXHIBIT C

DATE

FILE NOTES

DATE	FILE NOTES	AMOUNT	DATE
	MN		
3001 5719 10-NOV-09	55432869314000241006197	110.33	10-NOV-09
Sales Draft POTTERY BARN KIDS E-CO 800-2			
90-8181 CA			
0108 6010 13-NOV-09	13173172700008170423492	164.35	13-NOV-09
Payment Payment - Thank You			
3001 5999 16-NOV-09	55453269320187000414826	20.23	17-NOV-09
Sales Draft DARQUE TAN 08889			
582663 TX			
3001 7230 16-NOV-09	85134259321900013941443	113.71	18-NOV-09
Sales Draft SALON ONYX LLC LAKEV			
ILLE MN			
3001 742 19-NOV-09	55547509323123323010029	201.78	20-NOV-09
3/10/10 Contesting Detail	Avery	Christin 16	CAN
Sales Draft CLIFF LAKE VETERINARY EAGAN			
MN			
3001 8011 25-NOV-09	55429509329849713376060	59.99	27-NOV-09
Sales Draft JMSONTERRRE 65159			
25040 MN			
3001 5946 03-DEC-09	55432869337000001461262	7.33	04-DEC-09
Sales Draft SFI*PHOTOSBYSHUTTERFLY 800-9			
86-1065 CA			
3001 5968 06-DEC-09	55432869340000521150002	28.89	07-DEC-09
Sales Draft NFI*WWW.NETFLIX.COM/CC NETFL			
IX.COM CA			
3001 5812 07-DEC-09	55421359342987130994379	34.71	09-DEC-09
Sales Draft SONG LONG VIETNAMESE & APPLE			
VALLEY MN			
3001 5946 07-DEC-09	55432869341000688456977	18.03	08-DEC-09
Sales Draft SFI*PHOTOSBYSHUTTERFLY 800-9			
86-1065 CA			
3001 7349 08-DEC-09	55480779342286358200016	125.72	09-DEC-09
Sales Draft MAID FOR A DAY HOUSE C 09528			
313510 MN			
3001 5631 09-DEC-09	85177499343000041373828	76.59	10-DEC-09
Sales Draft PD JEWLR-- Mary Peter 952-9			
3/10/10 Contesting Detail	Avery	Christin 17	CAN
972562 MN			
3001 5300 09-DEC-09	05416019343141015220325	97.44	10-DEC-09
Sales Draft SAMSCLUB #4736 APPLE			
VALLEY MN			
3006 5946 11-DEC-09	55432869345000415806755	18.03	13-DEC-09
Credit Voucher SFI*PHOTOSBYSHUTTERFLY 800-9			
86-1065 CA			
3001 5814 14-DEC-09	05410199349835310630654	43.14	16-DEC-09
Sales Draft PIZZA H013820 48238QPS ROSEM			
COUNT MN			
3001 8299 14-DEC-09	55480779348207099200697	79.88	15-DEC-09

EXHIBIT C

FILE NOTES

Sales Draft TOYS TO GROW ON CARSO
 N CA
 3001 5964 15-DEC-09 55432869349000140060260 14.24 16-DEC-09
 Sales Draft COLLECTIONS ETC., INC. 620-5
 84-8000 IL
 3001 5969 15-DEC-09 55541869350004105486910 35.55 17-DEC-09
 Sales Draft KMART.COM 7840 800-6
 76-5543 IL
 0440 6010 16-DEC-09 14.00 16-DEC-09
 Auto-Payment AUTOMATIC PAYMENT - THANK YOU
 3006 7298 16-DEC-09 55453269351207000820012 262.19 17-DEC-09
 3/10/10 Contesting Detail Avery Christin 18 CAN
 Credit Voucher DARQUE TAN CORP OFFICE 02814
 938094 TX
 3001 5311 21-DEC-09 25413899356902833251374 87.04 23-DEC-09
 Sales Draft JCPENNEY STORE 0030 BURNS
 VILLE MN
 0403 6010 21-DEC-09 8.93 21-DEC-09
 Purchase Finance Charge PURCHASE *FINANCE CHARGE*
 3001 5311 22-DEC-09 25413899357902835636621 25.00 24-DEC-09
 Sales Draft JCPENNEY STORE 0030 BURNS
 VILLE MN
 3001 5311 22-DEC-09 25413899357902835636613 42.64 24-DEC-09
 Sales Draft JCPENNEY STORE 0030 BURNS
 VILLE MN
 3001 5411 29-DEC-09 05410199363091007701306 78.93 30-DEC-09
 Sales Draft TARGET 00006437 APPLE
 VALLEY MN

SSK

FWD County: US

EXHIBIT G